

I hereby certify that this correspondence for Application Serial No. 09/755,408 is being facsimile transmitted to The U.S. Patent and Trademark Office via fax number (703) 872-9302 on the date shown below:

15 April 2002

Date

STEPHEN T. MURPHY

42,917

Attorney/Agent Name

Reg. No.

Signature

Case 7903M

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: :
Robert I. Nurse :
Serial No.: 09/755,408 : Group Art Unit: 3727
Filed: January 5, 2001 : Examiner: S. Castellano
Confirmation No.: 5236 :
For: Selectively Reinforceable Container :

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

In response to the Office Action of March 19, 2002 containing a restriction requirement on the pending claims, please consider the following remarks.

RESTRICTION REQUIREMENT and PROVISIONAL ELECTION OF SPECIES

The Examiner has required restriction for examination purposes under 35 U.S.C. §121. The Examiner requires election based on the following groups:

Group I: Claims 1-17 as being drawn to a container.

Group II: Claims 18-20 as being drawn to methods of making a container.

The Examiner has required an election of a single species for prosecution on the merits pursuant to 35 U.S.C. §121. Applicants traverse this restriction as being improper. Both 35 U.S.C. §121 and 37 C.F.R. §1.142 allow for the requirement by the Examiner to elect one invention if "two or more independent and distinct inventions are *claimed* in a single application." Applicants submit that the present invention claims a single invention: the container of the application having a sidewall reinforced by an upstanding strut, and the method

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of reinforcing a container using the same technology. Applicants respectfully request that the restriction requirement be withdrawn.

In order to meet the requirements of 37 C.F.R §1.143, Applicants provisionally elect, with traverse, Claims 1-17 in Group I.

Respectfully submitted,

FOR: ROBERT I. NURSE

BY: 

Stephen T. Murphy
Agent for Applicants
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(513) 634-4268

April 15, 2002

Customer No. 27752

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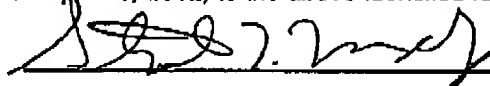
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**FACSIMILE TRANSMITTAL SHEET AND
CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8****TO: Examiner Stephen Castellano - United States Patent and Trademark Office**

Fax No. 703-872-9302

Phone No. 703-308-1035

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 (Signature)**FROM: Stephen T. Murphy**

Fax No. 513-634-3612

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GROUP 3700

Listed below are the item(s) being submitted with this Certificate of Transmission:

Number of Pages Including this Page: 3

- 1) Response to Restriction Requirement dated 3/19/02.

2)

3)

4)

5)

Comments:

Inventor(s): Robert I. Nurse

S.N.: 09/755,408

Filed: January 5, 2001

Case: 7903M